

## RECENT LEGISLATIVE CHANGES IMPACTING COLLECTIVE BARGAINING (PARTIAL LIST)

PA#	DESCRIPTION OF CHANGE or ADDITION	EFFECTIVE	WEBLINK	MERC DECISION*
4	Repeals Emergency Financial Manager (EFM) authority under PA 72 and creates an Emergency Manager (EM) who can terminate collective bargaining agreements in whole or part. Suspends bargaining obligations under PERA.	3-16-11	<a href="http://legislature.mi.gov/doc.aspx?mcl-act-4-of-2011">http://legislature.mi.gov/doc.aspx?mcl-act-4-of-2011</a> <b>REPEALED 11-6-12</b>	
9	Requires collective bargaining agreements to contain a provision regarding the Emergency Manager law per PA4.	3-16-11	<a href="http://legislature.mi.gov/doc.aspx?mcl-423-215">http://legislature.mi.gov/doc.aspx?mcl-423-215</a>	
38	Taxes pensions; Eliminates earned income credits for low income workers.	10-1-11	<a href="http://legislature.mi.gov/doc.aspx?mcl-Act-281-of-1967">http://legislature.mi.gov/doc.aspx?mcl-Act-281-of-1967</a>	
41	Discontinues tax exemption for state employee pensions.	5-25-11	<a href="http://legislature.mi.gov/doc.aspx?mcl-38-40">http://legislature.mi.gov/doc.aspx?mcl-38-40</a>	
42	Discontinues tax exemptions for public school employee pensions.	5-25-11	<a href="http://legislature.mi.gov/doc.aspx?mcl-38-1346">http://legislature.mi.gov/doc.aspx?mcl-38-1346</a>	
45	Excludes "Graduate Assistants or equivalent" from "public employee" definition for collective bargaining purposes.	3-13-12	<a href="http://legislature.mi.gov/doc.aspx?mcl-423-201">http://legislature.mi.gov/doc.aspx?mcl-423-201</a>	
53	Prohibits school districts from collecting union dues or fees via payroll deduction (check off); Establishes MERC as conduit to receive and post annual audits from unions on MERC website beginning March 1, 2013.	3-20-12	<a href="http://legislature.mi.gov/doc.aspx?mcl-423-210">http://legislature.mi.gov/doc.aspx?mcl-423-210</a>	
54	At contract expiration until a newly ratified CBA: (a) wages & step increases are frozen, (b) Insurance increases passed to employees, (c) Eliminates retroactive increases.	6-8-11	<a href="http://legislature.mi.gov/doc.aspx?mcl-423-215b">http://legislature.mi.gov/doc.aspx?mcl-423-215b</a>	* <b>Bedford</b> 12-14-12 * <b>Waverly</b> 12-14-12 * <b>Shelby Township</b> 8-18-14
62	Provides funds for Public schools, Colleges and Universities, etc.	6-21-11	<a href="http://legislature.mi.gov/doc.aspx?mcl-act-94-of-1979">http://legislature.mi.gov/doc.aspx?mcl-act-94-of-1979</a>	
63	Provides funds for governmental departments.	6-21-11	<a href="http://legislature.mi.gov/doc.aspx?2011-HB-4526">http://legislature.mi.gov/doc.aspx?2011-HB-4526</a>	
76	Excludes from the "public employee" definition for collective bargaining purposes those persons employed by private entities that receive a	4-10-12	<a href="http://legislature.mi.gov/doc.aspx?mcl-423-201">http://legislature.mi.gov/doc.aspx?mcl-423-201</a>	

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	government subsidy or stipend.			
100	Removes "Reasonable and Just Cause" discharge standard for public school employees subject to the Teacher Tenure Act.	7-19-11	<a href="http://legislature.mi.gov/doc.aspx?mcl-38-101">http://legislature.mi.gov/doc.aspx?mcl-38-101</a>	
101	Establishes new standards for achieving and maintaining teacher tenure; revises teacher tenure hearing procedures	7-19-11	<a href="http://legislature.mi.gov/doc.aspx?mcl-38-91">http://legislature.mi.gov/doc.aspx?mcl-38-91</a>	
102	Emphasizes student achievement in teacher performance evaluations; Expands prohibited subjects of bargaining.	7-19-11	<a href="http://legislature.mi.gov/doc.aspx?mcl-380-1249">http://legislature.mi.gov/doc.aspx?mcl-380-1249</a>	<b>*Pontiac Schools 3-17-14</b>
103	Expands prohibited subjects of bargaining for public school teachers to include: performance evaluation standards; merit pay standards; decisions on layoff, recall, hiring, position eliminations, etc.	7-19-11	<a href="http://legislature.mi.gov/doc.aspx?mcl-423-215">http://legislature.mi.gov/doc.aspx?mcl-423-215</a>	<b>*Pontiac Schools 3-17-14</b>
116	Shifts cost of 312 arbitration solely to the Parties; Last offers submitted up front in process; Sets strict timelines; Requires MERC training for 312 panel arbitrators.	7-20-11	<a href="http://legislature.mi.gov/doc.aspx?mcl-423-235">http://legislature.mi.gov/doc.aspx?mcl-423-235</a> <a href="http://legislature.mi.gov/doc.aspx?mcl-423-236">http://legislature.mi.gov/doc.aspx?mcl-423-236</a> <a href="http://legislature.mi.gov/doc.aspx?mcl-423-238">http://legislature.mi.gov/doc.aspx?mcl-423-238</a>	
152	Caps Employer's health care contributions to either: (a) Hard Cap plan (Single 5.5K, 2person 11K, Family 15K); or (b) 80-20 plan health. Employers must comply or forfeit state budget offsets.	9-27-11	<a href="http://legislature.mi.gov/doc.aspx?mcl-act-152-of-2011">http://legislature.mi.gov/doc.aspx?mcl-act-152-of-2011</a>	<b>*Decatur Schools 1-21-14</b> <b>*Shelby Township 8-18-14</b>
258	Consolidations or transfers.	12-14-11	<a href="http://legislature.mi.gov/doc.aspx?mcl-act-258-of-2011">http://legislature.mi.gov/doc.aspx?mcl-act-258-of-2011</a>	
259	Consolidations or transfers.	12-14-11	<a href="http://legislature.mi.gov/doc.aspx?mcl-423-201a">http://legislature.mi.gov/doc.aspx?mcl-423-201a</a>	
260	Consolidations or transfers.	12-14-11	<a href="http://legislature.mi.gov/doc.aspx?mcl-423-215">http://legislature.mi.gov/doc.aspx?mcl-423-215</a>	
261	Authorizes intergovernmental transfers of municipal emergency service employees.	12-14-11	<a href="http://legislature.mi.gov/doc.aspx?mcl-124-610">http://legislature.mi.gov/doc.aspx?mcl-124-610</a>	
262	Permits consolidations at Employer's discretion; Obligates parties to negotiate a new CBA(s).	12-14-11	<a href="http://legislature.mi.gov/doc.aspx?mcl-124-534">http://legislature.mi.gov/doc.aspx?mcl-124-534</a>	
263	Authorizes intergovernmental transfers of employees and responsibilities.	12-14-11	<a href="http://legislature.mi.gov/doc.aspx?mcl-124-505">http://legislature.mi.gov/doc.aspx?mcl-124-505</a>	
277	Expands number of charter schools in state (unlimited).	1-10-12	<a href="http://legislature.mi.gov/doc.aspx?2011-SB-0618">http://legislature.mi.gov/doc.aspx?2011-SB-0618</a>	

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297	Prohibits public employers from providing domestic partner benefits.	12/22/11	<a href="http://legislature.mi.gov/doc.aspx?mcl-act-297-of-2011">http://legislature.mi.gov/doc.aspx?mcl-act-297-of-2011</a>	
322	Excludes Act 312 eligible employees from the provisions of PA 54.	10/15/14	<a href="http://www.legislature.mi.gov/documents/2013-2014/publicact/htm/2014-PA-0322.htm">http://www.legislature.mi.gov/documents/2013-2014/publicact/htm/2014-PA-0322.htm</a>	
348	Establishes MI as a 'right to work' state (private sector). Prohibits private sector employees in unionized workplaces from being required to join the union, or that nonunion employees pay agency fees, assessments, or other charges or expenses, or provide anything of value to a labor organization or bargaining representative as a condition of employment.	3/28/13	<a href="http://legislature.mi.gov/doc.aspx?2011-SB-0116">http://legislature.mi.gov/doc.aspx?2011-SB-0116</a>	
349	Establishes MI as a 'right to work' state (public sector). Prohibits public sector employees from being required to join the union, or that non-union employees pay agency fees, assessments, or other charges or expenses, or provide anything of value to a labor organization or bargaining representative as a condition of employment. Exempts Act 312 eligible employees.	3/28/13	<a href="http://legislature.mi.gov/doc.aspx?2011-HB-4003">http://legislature.mi.gov/doc.aspx?2011-HB-4003</a>	
436	Replaces Emergency Financial Manager (EFM) authority under PA 72. Permits the appointment of an Emergency Manager (EM ) where a financial emergency exists; Duty to Bargain suspended for up to 5years; EM term limited to 16 months; EM can nullify existing CBAs.	3/28/13	<a href="http://legislature.mi.gov/doc.aspx?mcl-act-436-of-2012">http://legislature.mi.gov/doc.aspx?mcl-act-436-of-2012</a>	<b>*City of Detroit 6-14-13</b>

***\*Decisions referenced below are posted on MERC's website under "Decisions" using the MERC Decisions subcategory and corresponding issue date.***